

Business Incentive Agreement

1. In fulfillment of the requirements of N.D.C.C. § 54-60.1-03, Grantor and Recipient enter into this Business Incentive Agreement.

GRANTOR

NAME

ADDRESS

RECIPIENT

NAME

ADDRESS

CONTACT PERSON

E-MAIL ADDRESS

RECIPIENT PARENT COMPANY (IF APPLICABLE)

BUSINESS TYPE (NAICS CODE)

LOCATION OF RECIPIENT PRIOR TO RECEIVING INCENTIVE (IF DIFFERENT)

2. Description of project.

3. Grantor(s) agrees to provide recipient with a business incentive described as follows:

3.a. Is this incentive tax increment financing?

☐ Yes

☐ No

If yes, describe the type of district:

4. The business incentive will be provided on

This date is the benefit date. (Date of receipt of first interest buydown payment, guarantee issued, or receipt of equity or loan funds.)

5. The public purpose(s) of the business incentive are:

☐ Assisting community development

☐ Increase tax base

☐ Directly create employment opportunities

☐ Indirectly increase employment opportunities

☐ Job retention

☐ Other

6. Value of Business Incentive: \$

7. Recipient currently employs

people, located in

8. In return for the business incentive, Recipient shall, within A) one year for PACE loans or B) two years for other BND Programs create:

Number of full-time equivalent jobs

Average hourly wage

+

Benefits per hour value

=

Average hourly compensation

9. The Recipient shall commit to continue operations in the jurisdiction in which the business incentive is issued for five years or more after the benefit date.
10. Recipient shall file a recipient report with the Grantor, as described in N.D.C.C. § 54-60.1-05 annually on or before March 1st of each year as follows: A) On PACE loans, every year following the benefit date until such time the interest buydown is exhausted. Or B) On other BND Programs, for two years following the benefit date or until the goals of 8 are met, whichever is less.
 - 10.a. Grantor shall mail the recipient a warning letter if no report is received by March 8th. Recipient shall file the progress report within 14 days of the postmarked date of the warning letter.
 - 10.b. If a recipient report is not received within 14 days of the warning letter, Recipient agrees to pay to Grantor a \$100 for each subsequent day until the report is filed. The maximum penalty under this section may not exceed one thousand dollars.
11. On PACE loans, if the Recipient cannot meet the job and compensation goals listed in paragraph 8, the interest buydown amount will be prorated to reflect any partial fulfillment. On other BND Programs, the Recipient shall pay back the value of the incentive to the Grantor, prorated to reflect any partial fulfillment of the job and compensation goals if, after 2 years, the job and compensation goals listed in paragraph 8 are not met.
 - 11.a. Paragraph 11 does not apply if the job and compensation goals were not met as a result from an act of God or terrorism.
12. This business incentive agreement shall only be modified or extended by the Grantor pursuant to N.D.C.C. § 54-60.1-04.
13. If the terms of this business incentive agreement are not met, Recipient shall not receive a business incentive from any grantor for five years from the date of failure or until a recipient satisfies the repayment obligation.
14. The Recipient has disclosed, in attachment “A” of this agreement, all additional financial assistance received from state or political subdivision Grantors for this project since inception.

15. By signing this agreement, Recipient verifies that it has not failed to meet the terms of any business incentive agreement in the last five years.

Dated this _____ day of _____, 20____.

Grantor: _____ on behalf of _____

Dated this _____ day of _____, 20____.

Recipient: _____ on behalf of _____

ATTACHMENT "A"

Recipient has received the following additional financial assistance from state or political subdivision Grantors for this project since inception.

Grantor

Description of Assistance

Value of Assistance

Benefit date

Pending Benefit date

Grantor

Description of Assistance

Value of Assistance

Benefit date

Pending Benefit date

Grantor

Description of Assistance

Value of Assistance

Benefit date

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